

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE

ATTORNEYS

THE NORTHWESTERN MUTUAL LIFE INSURANCE
COMPANY, a corporation

vs

EUGENE C. MULLENDORE; KATHLEEN B. MULLENDORE;
LINDA V. MULLENDORE; LINDA VANCE MULLENDORE,
Executrix of the Estate of E. C. Mullendore,
III, deceased; PONCA CITY PRODUCTION CREDIT
ASSOCIATION; FEDERAL INTERMEDIATE CREDIT BANK
OF WICHITA; UNION STATE BANK, Arkansas City,
KANSAS, a banking corporation; RICHARD KANE;
PAUL M. JONES; BENSON LUMBER COMPANY, a
corporation; FULTON NATIONAL BANK OF ATLANTA,
GEORGIA, a national banking association;
DEWEY MILL & ELEVATOR, INC., a corporation;
FIRST NATIONAL BANK IN BARTLESVILLE, a
national banking association; GORMAN, INC.,
a corporation; TOBY SCHMOLL d/b/a Schmoll
Electric Company; J. B. PROCTOR, d/b/a Ace
Glass Company; and PAUL HUFFMAN, d/b/a
HUFFMAN PLUMBING COMPANY

and

Wallace K. Noel, Virgil Warren Conard and
Mary Jane Kilbie *dismissed*

- Additional defendants on Cross-
Complaint

Additional Counsel

Irvine Ungerman, Wright Bldg., Tulsa
Patrick Road, (Richard Kane Mortgage)
400 Professional Bldg., Tulsa

For plaintiff:

Charles P. Gotwals, Jr.
Gable, Gotwals, Hays, Rubin & Fox
2010 Fourth Natl. Bank Bldg.
Tulsa, Okla. 74119

Receivers: Joe R. Jarboe, Mid-Cont. Bg
Eddie King, 1030 W. 7th,
Pawhuska, Ok. 74056
James O. Ellison, Atty. for Receivers
914 World Bg., Tulsa 74103 587-0005

For defendant:

Max M. Berry of Berry & Mullins
Box 1746
Ponca City, Oklahoma 74601

James R. Ryan of Conner, Winters,
Ballaine, Barry & McGowen
711 1st Natl Bank
Tulsa, Oklahoma

- for Ponca City Production Credit
Assn and Federal Intermediate
Credit Bank of Wichita
James L. *Idor*

*Cont. Last
Page*

STATISTICAL RECORD

COSTS

DATE

J.S. 5 mailed 5-1-71

Clerk

4-2-71 Gotwals

15 00

4-8-71 C.D.No.45

15 00

J.S. 6 mailed 4-1-74

Marshal

Basis of Action: Judgment on
promissory note

Docket fee

Witness fees

Action arose at: Tulsa

Depositions

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-2-71	Complaint filed. Summons issued to all defts. except Linda Vance Mullendore, Ponca City Production Credit Assn. & Federal Intermediate Credit Bank of Wichita. m	
4-6-71	Answer of Ponca City Production Credit Association and Federal Intermediate Credit Bank of Wichita, filed. ds	
4-6-71	Application of Ponca City Production Credit Association and Federal Intermediate Credit Bank of Wichita for leave to join additional parties on cross-complaint, filed. ds	
4-6-71	Order allowing Ponca City Production Credit Association and Federal Intermediate Credit Bank of Wichita to join additional parties as defendants on cross-complaint, filed. (AEB-J) ds	
4-6-71	Cross-Complaint of Ponca City Production Credit Association and Federal Intermediate Credit Bank of Wichita, filed. ds summons issued.	
4-6-71	Application of Ponca City Production Credit Association and Federal Intermediate Credit Bank of Wichita for appointment of Receiver pendente Lite, filed. ds	
4-6-71	Order and notice of hearing on application for appointment of Receiver Pendente Lite, filed. (AEB-J) ds	
4-9-71	Disclaimer of defendant, Richard Kane, filed. b	
4-13-71	Disclaimer of debt., Gorman, Inc., filed. m	
4-14-71	Entry of appearance and application for time to answer (Linda V. Mullendore), filed. g	
4-14-71	Order granting Linda V. Mullendore 15 days from this date to answer, filed. (JHP-Clerk)g	
4-14-71	Disclaimer of Defendant, First National Bank in Bartlesville, filed. r	
4-15-71	Disclaimer of debt., Toby Schmoll d/b/a Schmoll Electric Company, filed. m	
4-16-71	Defendants Eugene C. Mullendore and Kathleen B. Mullendore's objection to the appointment of receiver, filed. b	
4-16-71	Summons, returned & filed: served Eugene C. Mullendore and Kathleen B. Mullendore, Osage County, Ok., Richard Kane, Bartlesville; Paul M. Jones, Grainola; Benson Lumber Co., Pawhuska, Ok. on 4-7-71 (USM \$57.60); served J. B. Proctor dba Ace Glass Co. and Paul Huffman dba Huffman Plumbing Co., Bartlesville, Ok. 4-5-71 (USM \$6.00); served First National Bank in Bartlesville and Gorman, Inc., Toby Schmoll dba Schmoll Electric, Okla. Bartlesville 4-5-71 (USM \$9.00) served Fulton Natl. Bank of Atlanta, Ga. 4-7-71 (USM \$4.00); served Union State Bank at Arkansas City, Kansas 4-8-71 (USM \$18.40)g	
4-16-71	Case called for hearing on application for appointment of Receiver pendent Lite. It is ordered by the court to appoint three appraisers; Joe Jarboe, Fred Raddock, and Eddie King, to review this case regarding a receiver to survey the inventory, chattles and conditions of land. It is further ordered that nothing is to be disposed of on this property. James R. Ryan directed to draw up the proper order and have it filed before May 13, 1971, date of hearing of creditors on Chapter XI proceedings. It is ordered that Application is granted in open court. (AEB-J)v	
4-19-71	Return of U. S. Marshals Service. Served Mary Jane Kilbie in Red Eagle Route, Pawhuska on 4-7-71 at 3:15 P.M. (Fee \$3.00) Filed. r	
4-19-71	Return of U. S. Marshals Service Served Paul M. Jones by serving Mrs. Billie J. Jones, Wife in Grainola, Oklahoma on 4-7-71 at 2:05 P.M. (Fee \$3.00) Filed. r	
4-19-71	Return of U. S. Marshals Service. Served Kathleen B. Mullendore by Serving Eugene C. Mullendore, husband in Hulah, Oklahoma on 4-7-71 at 12:10 P.M. (Fee \$3.00) Filed. r	

(OVER)

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-19-71	Return os U. S. Marshals Service. Served Eugene C. Mullendore in Hulah, Oklahoma on 4-7-71 at 12:10 P.M. (Fee \$35.64) Served Virgil Warren Conard in Costa Mesa, Calif. on 4-13-71 at 9:15 A.M. (Fee \$14.08) Served Wallace K. Noel by serving Mrs. Wallace K. Noel his wife in Arkansas City, Kansas on 4-14-71 at 1:00 P.M. (Fee \$4.00) Served Union State Bank of Arkansas City by serving Wm. B. Hill, V.P. in Arkansas City, Kansas on 4-14-71 at 12:00 P.M. (Fee 20.56)	
4-21-71	Answer and Cross-Complaint of Mary Jane Kilbie, filed. g	
4-28-71	Application of Linda Vance Mullendore, individually and as Executrix, etc., to enlarge time to answer, filed. b	
5-3-71	Disclaimer Of Defendant, Richard Kane, filed. js	
5-6-71	Hearing held on motions. All parties present and represented. It is ordered that the Application of Linda Vance Mullendore, for an extension of time to answer is granted until May 31, 1971. Order granting extension of time is filed in open court. (AEB-J)h	
6-1-71	Answers to complaint and Cross-Complaint of Linda Vance Mullendore, filed. r	
10-19-71	Transcript of proceedings had on April 16, 1971, hearing on appointment of Receiver, filed. (Larry E. Marks, Ct. Reporter)g	
10-19-71	Transcript of proceedings had on May 6, 1971, hearing on motions, filed. (Larry E. Marks, CSR)g (see file of 71-C-85)	
12-15-71	Cross-Complaint of Fulton National Bank of Atlanta, Georgia, filed. v	
12-16-71	Order that Fulton National Bank of Atlanta, Georgia, is granted permission to file its Cross-Complaint in this case, filed. (AEB-J)v	
1-5-72	Answer of the Deft., Benson Lumber Company, filed. Cross-Complaint	
1-5-72	Answer of the Deft., Paul M. Jones, filed. Cross-Complaint	
1-5-72	Motion of Joe R. Jarboe and Eddie King, Receivers for leave to intervene as party defendants filed.h	
1-5-72	Brief in support of motion for leave to intervene filed.h	
1-5-72	Order Authorizing Intervention of Joe R. Jarboe and Eddie King, Receivers, as parties defendant filed. (AEB-J)h	
1-5-72	Answer of Eugene C. Mullendore and Kathleen B. Mullendore to Complaint and Cross-Complaint filed.h	
1-5-72	Answers to Complaint and Cross-Complaints by Joe R. Jarboe and Eddie King Receivers filed. h	
3-3-72	Parties directed to hold pre-trial prior to 4-5-72 and file pre-trial order not later than 4-14-72. (AEB-J)hm	
4-4-72	Application of Ponca City Production Credit Assoc. & Fed. Intermediate Credit Bnk. of Wichita for Order Extending Time to Complete pre-trial conference & file pre-trial order, filed. v -copy to Marilyn.	
4-10-72	Disclaimer of def. Fulton Natl. Bank of Atlanta, Georgia, filed.rm	
4-12-72	Order extending time to conduct pre-trial conference and file pre-trial order, filed, that parties shall hold PT conference by 5-5-72 and file PT order not later than 5-16-72. (AEB-J)hm (copies mailed)	
4-14-72	Proposed Pretrial Order, filed. js	
4-14-72	Proposed Additional Paragraph III(c) of Deft. Linda Mullendore to Pre-Trial Order submitted by Plaintiff, filed. js	
4-18-72	Pltf's motion for partial summary judgment, filed. hm	
4-18-72	Brief in support of pltf's motion for partial S/J, filed. hm	
4-18-72	Ordered that defts. file a responsive brief within 10 days to the pltf's motion for partial S/J. (AEB-J)hm	

OVER

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-21-72	Brief of Ponca City Production Credit Association and Federal Intermediate Credit Bank of Wichita in Response to Plaintiff's Motion for Summary Judgment, filed. v	
4-24-72	Brief of Benson Lumber Co. and Paul M. Jones in Response to Pltff.'s Motion for Summary Judgment, filed. v	
4-25-72	Brief of Mary Jane Kilbie in respons to plaintiff's motion for summary judgment, filed. ds	
4-26-72	Motion of defendant and cross-claimant Linda Vance Mullendore for partial summary judgment, filed. ds	
4-26-72	Application of Linda Vance Mullendore to file cross-claim, filed. ds	
4-26-72	Brief of defendant Linda Vance Mullendore in support of application to file cross-claim and motion for partial summary judgment, filed. ds	
4-27-72	Brief of defs. Eugene C. and Kathleen B. Mullendore, Joe Jarboe and Eddie King, and Response of debtors and Receivers to Pltff.'s Motion for Summary Judgment, filed. rm	
4-27-72	Certificate of Service of John L. Arrington, atty for Linda Vance Mullendore, filed. rm	
5-5-72	Application of receivers for order extending time to complete pre-trial conference, with order granting extension until 5-15-72, filed. (AEB-J)hm (copies mailed) <i>by Ellison</i>	
5-10-72	Order authorizing filing of cross-claim of Linda Vance Mullendore, filed. (AEB-J)hm (copies mailed)	
5-10-72	Cross-claim of Linda Vance Mullendore, filed. hm	
5-16-72	Appl. of receivers for order extending time to complete pretrial conference and file pretrial order, filed. rm (<i>orig. wanted to m</i>)	
5-17-72	Order granting parties to 5/30/72 to conduct pt conf. and to 6/9/72 to file pt order. (AEB-J)rm - copies mailed	
6-15-72	Appl. of receivers for order extd. time to complete PT conf. and file PT order, filed. (<i>orig. wanted to m</i>)	
6-15-72	Order extending time to 6/24/72 to conduct PT conf. and file PT order. (AEB-J) rm - copies mailed by Ellison	
6-26-72	Application of Receivers for order extending time to complete pre-trial conference and file pre-trial order, with Order of Court extending time to July 14, 1972 to conduct pre-trial and file pre-trial order, filed. (AEB-J)g	
8-8-72	<u>Stipulation and Order filed.</u> It is ordered that based upon the stipulation of counsel for plaintiff, Eugene C. Mullendore and Kathleen B. Mullendore, defendant, and Joe R. Jarboe and Eddie King, intervenors and Receivers of the Mullendore Debtor Estate, the Court does hereby set for hearing on Sept. 12, 1972, at 10:00 A.M, the pre-trial hearing together with the motion for partial summary judgment filed by plaintiff; and further ordered that the stay orders heretofore entered in Case 71-B-400 apply to this case, and same shall continue in full force and effect until 9-12-72 or such other time as may be designated by the court. (AEB-J)h <i>notice mailed (copy overide.)</i>	
8-16-72	Appl. of Ponca City Prod. and Fed. Inter. Credit Bank for order referring their cross-complaint to different fed. judge, with affidavit of prejudice in support thereof, filed. rm	
8-17-72	Request for formal hearing on application for order referring cross-complaint of Ponca City Production Credit Assoc. and Federal Intermediate Credit Bank of Wichita filed. h	

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-12-72	Case called for pre-trial hearing; Plaintiff's motion for partial summary judgment (stay order in effect to this date) Statements made. Ct directs debtor and Receiver to file a plan within 15 days for liquidation for consideration by court, or in the alternative bankruptcy. Receiver directed to set hearing date on Plan within next 20 days. Receiver, John Jarboe's request to sell all cattle granted, and application to be filed by Receiver. Motion of plaintiff for partial summary judgment granted, and Decree signed and filed in open court. It is ordered by court that stay order to be continued and in effect for 60 days from this date. Ct. grants leave to Ponca City to file application to pay Ponca City. Ct. grants Linda Mullendore leave to file motion for deficiency judgment. Proper order of hearing to be prepared by Jms. Ellison. (AEB-J)h	d
9-29-72	Agreement and stipulation between Ponca City Prod. Assn and Mullendores and receivers, filed. ds	
10-2-72	Withdrawal of Appl. for Order Referring Cross-Complaint to Different Judge, filed by Ponca City Production Credit Assoc. and Federal Intermediate Credit Bank of Wichita. v <i>not remaining to be in 10-3-72.</i>	
1-12-73	It is ordered that this case is set for trial of all cross-complainants on Thursday, Feb. 1, 1973 at 10:00 A.M. (AEB-J)h notice mailed.	
1-26-73	Dismissal as to Mary Jane Kilbie, filed. hm <i>appeal to 10-3-72</i>	
1-29-73	Order of dismissal with prejudice as to Mary Jane Kilbe, filed & entered. (AEB-J)g	
2-1-73	Case called for trial of all Cross-Complainants and stricken. Parties present and represented. Mathew Kane, Atty for Benson Lbr announces they will dismiss the cross-complaint of Benson Lumber Co. Affidavit of Benson Lbr. Co., admitted into evidence as defendant's exhibit # 1; Order to be prepared in 3 days by Mathew Kane. It is adjudged that the trial of Cross-Complainants, Dewey Mill and Elevator and Richard Kane Mortgage Co. is hereby passed to Wednesday, Feb. 7, 1973 at 10:00 am. Jms. O. Ellison to submit proper order of hearing. (AEB-J)h	
2-7-73	Order that hearing on trial of cross-complainants stricken from docket of this date. (AEB-J)h	
2-26-73	Application for Order Determining Lien Claims, filed. jj	
2-26-73	Order Establishing Liens, Authorizing Compromise of Lien Claims and Payment Thereof, (AEB-J) filed. jj..and entered. e	
3-1-73	Disclaimer of Deft. Paul M. Jones, filed. jj	
3-5-73	Partial Release of Judgment filed by Northwestern Mutual Life Ins. Co. h entered on 9-12-72	
10-19-73	Release and Satisfaction of Judgment, filed by Northwestern Mutual Life Insurance Co., Pltf. v	
1-22-76	Release and Satisfaction of Judgment, entered on 2-1-73, filed by deft./Benson Lumber Company. ph	

DATE

PROCEEDINGS

Date Order or
Judgment Noted

71 CW (28)

Jms.L. Kincaid (Linda)
711 First Natl Bnk, Tulsa 74119

Gene Stipe *Mullendore*
P.O. Box S, McAlester

Willard Gotcher *Mullendore*
122 $\frac{1}{2}$ E. Carl Albert Pkwy,
McAlester

James W. Conner (Fulton Natl)
416 E. 5th, Bartlesville

Matthew J. Kane (Benson Lbr &
Commerce Bldg. Paul Jones)
Pawhuska *P.O. Box 1019*

Gray & Palmer (Mary Kilbie)
Bx 145, Pawhuska 74056

John Arrington (Linda)
5th Floor, Okla. Nat. Gas Bld.
Tulsa 74119

Richard Harris (Dewey Mills)
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